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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re United States Patent Application of:**

**Applicants: TITUS, Frances et al.**

**Application No.: 10/806,915**

**Date Filed: March 23, 2004**

**Title: INTRACELLULAR  
DELIVERY OF  
OSTEOINDUCTIVE  
PROTEINS AND PEPTIDES**

**Docket No.: 4240-131**

**Conf. No.: 4427**

**Art Unit: 1636**

**Examiner: QIAN, Celine X.**

**Customer No.:**

**23448**

**EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the  
Commissioner for Patents on the date specified, in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 and Express Mailed under the  
provisions of 37 CFR 1.10.

*Joanna Joslyn*  
Joanna Joslyn

November 15, 2005

Date

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*William R. Dixon, Jr.*  
11/28/05

**WILLIAM R. DIXON, JR.  
SPECIAL PROGRAM EXAMINER**

**THIRD-PARTY SUBMISSION OF PATENTS OR PUBLICATIONS IN U.S. PATENT  
APPLICATION NO. 10/806,915 PUBLISHED ON OCTOBER 7, 2004 AS U.S. PATENT  
PUBLICATION NO. 2004/0197867**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.99, the attention of the Patent and Trademark Office is hereby directed  
to the references listed on the attached Third-Party Submission of Patents or Publications in a  
Published Application.

Further enclosed herewith are:

(1) a copy of the listed references;

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130.00 OP

- (2) a Credit Card Payment form authorizing the Office to charge the \$310.00 official fees, which includes the \$180.00 fee set forth in §1.17(p) as required by 37 C.F.R. §1.99(b) and the \$130.00 processing fee set forth in §1.17(i) as required by 37 C.F.R. §1.99(e), to the credit card specified therein; and
- (3) a self-addressed postcard for the official acknowledgement by the Office that this Submission has been received.

This Submission could not have been submitted to the Office earlier, because neither the undersigned attorney nor the third party represented by the undersigned attorney, had knowledge of the references cited herein until October, 2005, when the references were discovered during a thorough search of the prior art pertaining to the subject patent application.

Therefore, this Submission complies with the requirements of 37 C.F.R. §1.99(e), with payment of the \$130.00 processing fee set forth in §1.17(i).

This Submission is concurrently served upon the attorney of record for the applicants in accordance with the requirements of 37 C.F.R. §1.99(c) and §1.248. A certificate of service is attached.

It is respectfully requested that the information contained in the attached Third-Party Submission of Patents or Publications in a Published Application be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Respectfully submitted,



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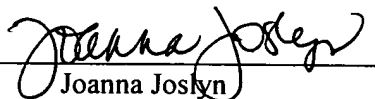
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of November, 2005, a true and correct copy of the foregoing THIRD-PARTY SUBMISSION OF PATENTS OR PUBLICATIONS IN U.S. PATENT APPLICATION NO. 10/806,915 PUBLISHED ON OCTOBER 7, 2004 AS U.S. PATENT APPLICATION PUBLICATION NO. 2004/0197867 was served via First Class U.S. Mail on the attorney of record for the applicants:

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